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Adequate housing as a component of the right to an adequate standard of living

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Leilani Farha, submitted pursuant to Human Rights Council resolutions 15/8 and 25/17.

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Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

Summary

In the present report, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Leilani Farha, outlines how the right to adequate housing must guide the development and implementation of a "new urban agenda" to be adopted at Habitat III, in October 2016.

Habitat III will be the first global summit of the twenty-first century where housing and urban challenges will be in the spotlight. At a time when more than half the world's population lives in cities, with the majority of urban dwellers facing homelessness, lacking security of tenure or living in inadequate conditions, and a third of them living in informal settlements, the Special Rapporteur argues that the change needed is a new "urban rights agenda" with the right to housing at its core.

The report focuses on the transformational qualities of the right to adequate housing in cities and its ability to bring coherence to the broad range of issues that will be discussed at Habitat III. In this context, the Special Rapporteur discusses five critical cross-cutting areas that must be given priority: (a) social exclusion: stigmatization and housing status; (b) migration; (c) vulnerable groups; (d) land and inequality; and (e) informal settlements. The Special Rapporteur highlights how the right to adequate housing establishes accountability and facilitates access to justice and the participation of marginalized groups in decisions that affect their lives, and lays out steps for implementation.

The report concludes with bold recommendations for the urban rights agenda, including: (a) eliminating homelessness and forced evictions; (b) ensuring security of tenure for all households; and (c) ensuring the incorporation of the right to housing as paramount in all urban law, policy and programmes, including fiscal policy and resource allocation.

I. Introduction

1. The present report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, is submitted pursuant to Human Rights Council resolutions 15/8 and 25/17.

2. In accordance with General Assembly resolution 66/207, the United Nations Conference on Housing and Sustainable Urban Development (Habitat III) will be held in Quito from 17 to 20 October 2016. The objective of Habitat III — the third in a bi-decennial series of global housing conferences — is to establish a "new urban agenda" aimed at ensuring sustainable urban development, confronting poverty and addressing new and emerging urban challenges over the next 20 years.[1]

3. Habitat III will be the first global conference of the twenty-first century where housing and urban challenges will be in the spotlight. It will also be the first summit following the expected adoption by the General Assembly of the sustainable human development goals in September 2015. As such it offers a unique occasion to zero in on the task of implementing the commitments in the sustainable development goals as they relate to housing in the urban context. Habitat III will also be enriched by the lessons learned from the previous global housing conferences, Habitat I and Habitat II, as well as the pursuit of the Millennium Development Goals.

4. Urbanization represents the dominant force of our time and the greatest single challenge with respect to the realization of the right to housing. More than half the world's population now lives in cities and towns, with the level of urbanization increasing each year. In the 25 years from 1990 to 2015, the urban population increased by 2 billion.[2] By 2050 it is projected that 66 per cent of the world's population will be urban (adding 2.5 billion people), with 90 per cent of the increase in Asia and Africa. Today, the most urbanized regions include North America (82 per cent), Latin America and the Caribbean (80 per cent) and Europe (73 per cent). Asia is now home to 53 per cent of the world's urban population, with projections pointing at 64 per cent by 2050.[3] Urbanization has changed ways of thinking, governing, communicating and resolving disputes. It has created new forms of community and identity and transformed the use of space. It has deeply impacted all social, political and economic relations.

5. Behind these dramatic statistics of urban population growth are the lived experiences of millions of women, men and children who migrate to cities in search of security and well-being. Migration from rural to urban centres or from other countries sometimes occurs as a consequence of desperate situations, including natural disasters, conflict, development-based displacement, unemployment or the inability to maintain a livelihood. Those affected are often recovering from trauma and loss. Marginalized groups also experience migration in particular ways. For example, people with mental and physical disabilities, street children, and women

[1] For further information on Habitat III and its predecessors, see www.habitat3.org/.

[2] World Health Organization and United Nations Children's Fund, Joint Monitoring Programme for Water Supply and Sanitation, *Progress on Sanitation and Drinking Water: 2015 Update and MDG Assessment* (June 2015), available from www.wssinfo.org/.

[3] United Nations, Department of Economic and Social Affairs, Population Division, *World Urbanization Prospects: The 2014 Revision, Highlights* (United Nations publication, Sales No. E.14.XIII.8) (New York, 2014).

and youth escaping household violence have distinct needs and move to cities with the hope of securing necessary support, schools, health centres, housing, work, safety, and most importantly, dignity. Others migrate to cities in search of new opportunities.

6. Urbanization has generally been associated with development and progress, but current models of economic development have primarily benefited already advantaged groups. Urban growth has been synonymous with astonishing accumulation of wealth for a few, accompanied by increasing poverty for many. Rapid development of luxury housing in cities has occurred alongside the growth of informal settlements in which millions suffer in varying degrees from poor sanitation, lack of access to clean water, overcrowding and makeshift structures. A full third of urban dwellers in the developing world live in slum-like conditions. In developed countries as well, greater inequality under new economic models has meant that homelessness[4] has increased even during times of economic prosperity and then become worse during times of austerity.[5] On its current path, where "progress" forsakes the right to adequate housing for many, urbanization is simply unsustainable.

7. Many serious challenges facing cities are housing-related. Failure to address the housing needs of growing populations has created spatially divided cities, keeping many groups in poverty and poor living conditions, with little access to opportunities for a better future (see A/63/275). Housing has increasingly been treated as a market commodity rather than a social good and a fundamental human right, left to individuals and households and the forces of increasingly unregulated markets rather than being made subject to coordinated government policies and human rights commitments.

8. Systemic patterns of inequality, exclusion and lack of adequate housing for large numbers of city inhabitants are human rights problems that need to be addressed through a human rights framework. The right to adequate housing, in its full scope, and the right to non-discrimination in this context, must be at the centre of a new urban agenda.

9. A rights-based approach to Habitat III understands urbanization not simply as a geographical, demographic or economic phenomenon subject to measurement and analysis, but also as a dynamic process that renews and reshapes social, political and economic relationships. A rights-based approach can engage urbanization as a process in which ongoing struggles for and commitments to human rights can and must play a central role in both setting the agenda for action and ensuring that it is realized over time. It ensures that all residents of cities have equal voice, that their contributions to urban life are recognized and that their right to adequate housing, including infrastructure, services, transportation and other related human rights are fully considered.

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[4] The thematic report of the Special Rapporteur to the Human Rights Council at its thirty-first session, in March 2016, will focus on homelessness and the right to adequate housing.

[5] See European Federation of National Organisations Working with the Homeless, "Impact of anti-crisis austerity measures on homeless services across the EU", policy paper, 2011; see also A/HRC/27/72, case No. GBR 1/2014, and response from the Government of the United Kingdom of Great Britain and Northern Ireland dated 10 July 2014, available from www.ohchr.org/EN/HRBodies/SP/Pages/CommunicationsreportsSP.aspx.

10. The present report will consider how a renewed commitment to the right to adequate housing in the context of urbanization can meet the objectives of the new urban agenda by reshaping power dynamics and decision-making, transforming social and political relationships, reducing inequality and promoting social inclusion, addressing the needs of vulnerable groups, creating more accountable and effective governance and allocation of fiscal resources and creating dynamic and sustainable urban economies.

II. The human rights way to the new urban agenda

A. From human rights commitments to implementation: Habitat II to Habitat III

11. Achieving the objectives of Habitat III will rely on the unique ability of human rights to effect transformative change through the application of universal norms and guiding principles to specific contexts and in response to emerging challenges. This essentially describes the key features and benefits of a human rights approach. Human rights can effect the kind of spatial, geographic, social and attitudinal change required to address the structural causes of exclusion and inequality, so that cities become places of opportunity and well-being for everyone — where adequate housing, food, water and sanitation, education, employment and health are realized as fundamental rights.

12. The right to adequate housing and other related rights must sit at the centre of an agenda for cities. Housing is a cornerstone right, indivisible from all other rights and fundamental to an approach that begins with the dignity, equality and security of the human person. Narrow interpretations that focus on housing as a commodity or housing that provides a roof over one's head have been rejected under international human rights law. Rather, the right to housing has long been understood as the right to live somewhere in peace, security and dignity.[6] The right to adequate housing and to non-discrimination are themselves transformational, creating not only goals for which to strive but also a framework of action and accountability through which the goals can be realized.

13. Twenty years ago, the Habitat Agenda adopted by the second United Nations Conference on Human Settlements (Habitat II) clearly articulated a commitment to "the full and progressive realization of the right to adequate housing, as provided for in international instruments".[7] The implementation of the Habitat Agenda, however, has not fully embraced human rights. Escalating homelessness in many regions, the continuation of forced evictions with impunity around the globe and the growth of informal settlements without adequate services suggest that the right to adequate housing has not been prioritized in the way that would have been required for effective implementation.

14. Housing is a major component of any city. However, it seems to have largely fallen off the public policy agenda. At the international level, for example, the right

[6] Committee on Economic, Social and Cultural Rights, general comment No. 4 (1991) on the right to adequate housing, para. 7.

[7] *Report of the United Nations Conference on Human Settlements (Habitat II), Istanbul, 3-14 June 1996* (A/CONF.165/14), chap. I, resolution 1, annex II, para. 39.

to adequate housing has not been a focus of development goals. Also, the lending priorities within the World Bank have shifted dramatically away from low-income housing, even as the problems of inadequate housing and homelessness have become more widespread and severe. In the mid-1970s to the mid-1980s more than 90 per cent of total shelter lending was allocated to low-income housing, compared to about 10 per cent since the mid-1990s.[8] Moreover, a much smaller share has gone to low-income countries (20 per cent, down from about 40 per cent from the mid-1970s to the mid-1980s).[9] In short, there is little evidence of the commitment to the realization of the right to adequate housing that was articulated in the Habitat Agenda. What went wrong and how can we ensure that a similar commitment made in 2016 is more successfully implemented?

15. In discussions with government authorities, civil society and other actors, the Special Rapporteur has identified the relationship between subnational governments and international human rights norms, procedures and commitments as one factor that has contributed to the failure to realize the right to adequate housing as affirmed at Habitat II. Over the last 20 years, subnational or local governments have been accorded greater responsibility for the implementation of the housing-related provisions of the Habitat Agenda. However, international human rights mechanisms and procedures have engaged primarily with national Governments rather than directly addressing the circumstances of local governments.[10] So, while local governments hold key responsibilities for housing and related programmes and are equally bound by their States' international obligations, they are rarely participants in the international processes through which obligations are clarified and they often lack clarity about their roles. Moreover, the institutional frameworks for monitoring, implementation and accountability with respect to human rights have rarely been put in place at the city level.

16. A second factor is the evolving understanding of the meaning of the right to housing. Twenty years ago, the idea of the right to housing as a "lever of transformational change" was far less sophisticated than today. Up until the 1990s, both internationally and nationally, the fulfilment of the right to adequate housing was generally conceived of as an aspirational goal of Governments. By the end of the millennium, however, the "second generation" status of economic, social and cultural rights had eroded, and the right to housing was understood as having the capacity to empower rights holders to become active participants in decision-making, challenge stigmatization and exclusion and provide access to justice and effective remedies. It was also understood that States can be held accountable for measures taken to progressively realize the right to housing, including through the adoption of housing strategies and appropriate budgetary allocations. Such measures must be assessed for compliance with human rights and engage with international, national, subnational and local initiatives and strategies.

17. These historic developments have fundamentally changed the approach to realizing the right to adequate housing from an aspirational model focused exclusively on commitments by national-level Governments to a more dynamic

[8] Robert M. Buckley and Jerry Kalarickal, eds., *Thirty Years of World Bank Shelter Lending: What Have We Learned?* (Washington, D.C., World Bank, 2006), p. 68.

[9] Ibid.

[10] For a full discussion, see the report of the Special Rapporteur on minority issues to the Human Rights Council (A/HRC/28/64).

understanding of the role rights claimants and social movements must play in combination with all levels of governments and non-governmental actors in the realization of the right to adequate housing. This is reflected in the fact that a growing number of countries have given constitutional recognition to the right to adequate housing, domestic courts have increasingly adjudicated claims to the right to adequate housing, and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (General Assembly resolution 63/117, annex) has entered in force, creating an individual complaints procedure. This shift in approach to the right to adequate housing, however, has not yet fully taken root at the local level, where key actors are less aware of international and constitutional norms and where access to justice is often lacking.

18. The challenge of Habitat III is to ground a new urban agenda in an updated and more dynamic understanding of how the right to adequate housing can ground a transformational process of realizing the goals of inclusive sustainable cities in which everyone has access to adequate housing. The new urban agenda is the right space at the right time to embrace and articulate a new human rights framework for cities: an urban rights agenda. And within this human rights framework, the right to adequate housing and associated obligations of all relevant actors must be clearly articulated and firmly rooted.

B. The right to housing: pillar of an urban rights agenda

19. Incorporating the right to housing as a pillar in a new urban agenda will have important ramifications. The right to housing is the right to a home that is secure and connected to services, employment opportunities and urban life. Beyond walls and a roof, it requires individuals and households to have access to water, sanitation, electricity, schools, health care and other services, such as waste management, roads, sewage systems and access to transportation.[11]

20. The right to housing demands a people-centred approach. It takes as its starting point the capacities of those who are homeless or living in inadequate housing to become both central agents and prioritized stakeholders of housing policy and programmes. As such these groups must be meaningfully consulted, have access to relevant information in a timely fashion and be included in planning processes and the design and implementation of policies. The right to housing engenders new social, economic and political relationships through which rights holders may be empowered to define and claim their rights and effect social and political change necessary for their realization.

21. The right to housing includes many components that must be realized progressively. All levels of government have obligations to adopt strategies for the realization of the right to housing, including strong provisions against discrimination and for equality in all policies related to access, availability and affordability of housing and related-services. Such strategies must include measureable goals and targets, and reasonable timelines for reaching those goals, as well as mechanisms for monitoring, assessing and ensuring progress or taking corrective measures when necessary. In this way, human rights obligations engage

[11] Committee on Economic, Social and Cultural Rights, general comment No. 4 (1991) on the right to adequate housing, paras. 7 and 8.

directly with the challenge of meeting goals and targets adopted in the new urban agenda.

22. The right to housing is beneficial for its clarity as to who bears the duty to ensure rights for whom. While national Governments ratify international human rights treaties, local and subnational governments are also responsible for implementing international human rights obligations (see A/HRC/28/64). An urban rights agenda must clarify responsibilities with respect to the right to housing and ensure effective coordination and accountability among various levels of government, from national to local. Policies and programmes of different ministries must be informed by and consistent with the right to housing and monitored and assessed regularly.

23. An urban rights agenda must also ensure better understanding of the responsibilities and obligations of a broad spectrum of private and other non-governmental actors, including public-private partnerships and large corporations as well as smaller real estate developers, those who provide rental accommodation and providers of services like waste management. The private sector has an increasingly central role in urban development and a direct impact on public policy at the urban level. The private sector must be properly regulated and incentivized to ensure that its actions or omissions do not undermine human rights standards.[12]

24. Fiscal accountability is also a critical and often neglected element of a rights-based approach. The realization of the right to adequate housing requires appropriate use and distribution of resources. Under international human rights law, governments are required to give priority to human rights in budgeting by allocating the "maximum of available resources" and using "all appropriate means" to realize the right to adequate housing and related rights.[13]

25. Access to justice in cities to claim and enforce the right to adequate housing is also critical, not simply to ensure meaningful accountability but also as a means to identify and remedy barriers that need to be addressed in order to maximize efficiency and effectiveness of programmes. Recent studies suggest, for example, that there are often cost savings for governments if the structural causes of homelessness are addressed and remedied rather than continuing to incur greater costs of policing, emergency services, health care and loss of productivity associated with homelessness.[14] In this regard, accessible mechanisms for implementing and adjudicating the right to adequate housing in cities are important, including human rights institutions working at the city level, civil society and non-governmental

[12] See Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework (A/HRC/17/31, annex), endorsed by the Human Rights Council in its resolution 17/4 of 16 June 2011.

[13] For a substantive discussion, analysis and guidance on the "maximum of available resources" and human rights, including in relation to fiscal policy and the crucial role of social budgeting, see http://internationalbudget.org/publications/escrarticle2/; http://internationalbudget.org/2014/08/budgeting-for-human-rights-using-the-maximum-of-available-resources/; http://internationalbudget.org/2014/09/budgeting-for-human-rights-progressive-realization/; and www.cwgl.rutgers.edu/docman/economic-and-social-rights-publications/362-maximumavailableresources-pdf/file.

[14] See, for example, Stephen Gaetz, "The real cost of homelessness: Can we save money by doing the right thing?", Homeless Hub paper No. 3 (Toronto, Canadian Homelessness Research Network Press, 2012).

organizations that advocate for rights, ombudspersons, mediation officers, administrative tribunals and courts.

26. Just as cities can become the nests for new and innovative advances in architecture, culture, education and economic growth, they can also become generators of new, vibrant and inclusive exchanges of ideas and information about realizing rights. While the pluralism and diversity found in many cities can be a source of significant conflict and lead to exclusion and violations of human rights, they can also nourish a human rights-friendly culture. Recent years have witnessed the emergence of new and dynamic human rights movements in cities. It is essential to engage with social movements and urban communities, as they can drive and nurture commitments to the right to adequate housing. As a result of some of these struggles, cities have adopted charters, ordinances and other legal mechanisms which affirm social inclusion and the right to adequate housing.[15] Habitat III is an opportunity to harness these rights-oriented urban social movements and create stronger collaborations between them, with the shared goal of the realization of the right to adequate housing.

C. Housing and the global development goals

1. Looking back: the Millennium Development Goals

27. In order to understand where we are on the road to Habitat III, it is instructive to look back as well as to look ahead. The Millennium Development Goals were adopted just four years after Habitat II and influenced dominant approaches to human development, which in turn affected the implementation of Habitat II.

28. The Millennium Development Goals established an international agreement around seven goals linked to ending poverty, each with specific targets and indicators. In doing so, they created an international consensus regarding the select issues that were included in the agenda. While lacking references to human rights, the Millennium Development Goals affirmed certain goals that resonated with human rights to an adequate standard of living, food, work, water and sanitation, aiming to eradicate poverty and hunger, achieve full and productive employment and decent work for all and halve the number of people denied access to safe drinking water and basic sanitation by 2015.

29. Housing, however, was a clear outlier in the seven Millennium Development Goals. Housing or homelessness were nowhere specifically mentioned. The only housing-related target (Target 7.D: "By 2020, to have achieved a significant improvement in the lives of at least 100 million slum dwellers") was placed under the goal of environmental sustainability in Goal 7. The target suffered from vagueness and damaging interpretations. It allowed national assessment reports to reference almost any improvement, even if only marginal; and a focus on data regarding the proportion of the urban population living in slums as a key indicator encouraged forced evictions that were in fact contrary to human rights law. The target of 100 million was a drop in the bucket compared to the more than one billion

[15] There are a number of human rights city charters around the world. The *Global Charter-Agenda for Human Rights in the City* published by the United Cities and Local Governments (UCLG) Committee on Social Inclusion, Participatory Democracy and Human Rights (available from http://www.uclg-cisdp.org/) has a specific section on the right to housing and domicile (section X).

people living in inadequate or slum-like conditions and it was detached from key human rights concerns, such as ensuring access to adequate housing, including security of tenure for all.[16]

30. Upon their adoption, the Millennium Development Goals appeared to sweep over processes already under way to implement the Habitat Agenda (see para. 13 above). The vague and inadequate target regarding slum dwellers appears to have been conflated with a commitment to the progressive realization of the right to adequate housing as articulated in the Habitat Agenda. Although originally intended as an international reference tool to highlight some issues, the Millennium Development Goals evolved into a blueprint for progress and prioritization at the national level, shaping financing for development agendas. They were widely used in national policymaking and in budget discussions, relegating issues not included in the Millennium Development Goals to the status of secondary priorities, with resources and political will divested accordingly. Statistical targets became confused with the realization of rights. As a result, it was not a surprise that the target of improving the lives of a tiny proportion of those living in slum-like conditions was soon reached when, in reality, substandard housing conditions and homelessness continued to increase around the world.

31. The Millennium Development Goals had a direct and detrimental impact on the development of a rights-based pro-housing urban agenda. Essential aspects of the right to housing in urban centres were rendered invisible, in particular, security of tenure, homelessness, adequate location and affordability of housing and related services — none of which were referenced in the Goals. The focus on housing structures and bathrooms in target 7.D diverted attention from the critical economic, social, governance and environmental challenges of urbanization identified by Habitat II.[17] Moreover, the Millennium Development Goals lacked accountability mechanisms, with no reference to meaningful engagement with rights holders, access to justice or the realization of the right to adequate housing as would have been the case had human rights been used to unite the Goal under a common framework for their implementation.

2. Looking forward: the sustainable development goals

32. The Special Rapporteur is mindful that the present report is prepared on the eve of the adoption of the post-2015 development agenda.[18] The content of the sustainable development goals appears to have taken on board some of the lessons learned from the experience of the Millennium Development Goals. As it stands, the final draft of the outcome document[19] articulates a renewed commitment to fostering inclusive societies, combating inequality, ensuring equal access to justice and

[16] For a discussion on security of tenure as a component of the right to adequate housing, see A/HRC/22/46 and the guiding principles on security of tenure for the urban poor (A/HRC/25/54, sect. II).

[17] Sakiko Fukuda-Parr, Alicia Ely Yamin and Joshua Greenstein, "Synthesis Paper: The power of numbers: a critical review of MDG targets for human development and human rights", Working Paper Series, May 2013, p. 19. Available from www.worldbank.org/content/dam/Worldbank/document/Gender/Synthesis%20paper%20PoN_Final.pdf.

[18] By its resolution 69/244, the General Assembly decided that the United Nations summit for the adoption of the post-2015 development agenda would be held from 25 to 27 September 2015, in New York.

[19] See A/69/L.85, annex.

respect for all human rights. In particular, the document refers to the right to development, the right of self-determination, women's equal rights to economic resources, reproductive and labour rights and the right to an adequate standard of living, including food and water. Nowhere, however, does the document refer to the right to adequate housing.

33. Goal 11 commits States to "make cities and human settlements inclusive, safe, resilient and sustainable". Among the specific targets, target 11.1 says: "By 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums". Although the absence of any reference to the right to adequate housing is troubling, the specific reference to access to adequate housing for all is important, as it at least provides a link to a more coherent framework connected to existing human rights obligations. It is not entirely clear, however, how the standard of "adequate, safe and affordable housing" relates to international human rights norms with respect to the right to housing, such as safety, affordability, cultural adequacy and accessibility, among others. Moreover, the reference to upgrading slums, without specifying criteria or referring to the rights of those who currently live there, could be subject to the same kinds of ad hoc interpretations as were applied to target 7.D of the Millennium Development Goals, failing to address the actual needs of residents of informal settlements or to recognize all aspects of their right to housing. Lack of security of tenure, forced evictions and homelessness — three housing issues that define the experiences of hundreds of millions of people worldwide — have been central concerns of human rights bodies in relation to the realization of the right to housing, yet these issues are not referenced at all in goal 11. And the idea of adopting measures to halt the expansion of informal settlements with their deplorable conditions finds no place.

34. In the Special Rapporteur's view, there is a real risk that the implementation framework for the sustainable development goals will remain exclusively focused on statistical measurement and assessment without the meaningful accountability, participation, legislative action or access to justice that is required for the realization of all human rights. International human rights standards regarding development-based displacement, allocation of maximum of available resources, the adoption of national and urban housing and homelessness strategies and the obligation to take immediate steps to address discrimination and inequality — all of which are key to the enjoyment of the right to housing — have thus far not received much attention in discussions. In general, the continued neglect of the right to adequate housing in the sustainable development goals creates well-founded concern that commitments made to the right to adequate housing at Habitat III might very well be sidelined.

35. This cannot be allowed to occur. Habitat III must be approached as the critical opportunity to elaborate, concretize and give meaning to target 11.1 of the proposed sustainable development goals while also safeguarding its vital link to binding international human rights obligations. Habitat III must endeavour to narrow the gap between rhetorical commitments and their effective implementation. Habitat III is where States and local governments can insist that the right to adequate housing not be relegated to the margins, and rather that it be reaffirmed as a core commitment, placed at the centre of a new urban rights agenda and implemented as a prerequisite for sustainable, prosperous cities for all.

III. An urban rights agenda: five key areas

36. There is a considerable range of interrelated issues to be addressed at Habitat III, with 22 issue papers under discussion in six policy areas.[20] A human rights framework with the right to housing at its core can help prioritize competing issues, it can provide a coherent, unifying framework, and it can engage multiple stakeholders in an ongoing transformational process towards the realization of the goal of adequate housing for all.

37. In the Special Rapporteur's view, there are five critical cross-cutting areas upon which an urban rights agenda — with the right to housing as a pillar — should focus: (a) social exclusion: stigmatization and housing status; (b) migration; (c) vulnerable groups; (d) land and inequality; and (e) informal settlements.

A. Social exclusion: stigmatization and housing status

38. Urbanization has created new patterns of discrimination and inequality based on spatial and socioeconomic marginalization. Exclusionary patterns of governance and citizenship have given disproportionate power and influence to property owners and investors while depriving those without land or property of a meaningful say in decisions that will have significant impact on their lives and on their ability to obtain housing. Refugees, migrants, persons with disabilities, children and youth, indigenous peoples, women and minorities are most likely to find themselves homeless or relegated to the most marginal and unsafe places in cities, treated as non-citizens or outsiders.

39. Housing status, such as being homeless or a "squatter" or a resident of an informal settlement, has become more than a marker of deprivation in cities. It has become a social identity that is often the basis for stigmatization and discrimination, limiting opportunities and creating further obstacles to inclusion and equality.

40. In some cases, survival strategies of those who are homeless or have no access to land have been criminalized (see A/66/265). Public space has become contested space: rather than being designed to meet the needs of those who are homeless as well as others, public spaces have been designed to drive out the homeless. In many developed countries it has become common to enact legislation prohibiting, and sometimes criminalizing, activities such as "loitering", "panhandling", outdoor charity food services and sleeping in public spaces.[21] Park benches are even designed to prevent homeless people from lying down. Marginalized groups — particularly street children and those who are homeless — are "cleared" from urban

[20] All Habitat III issue papers are available from http://unhabitat.org/issue-papers-and-policy-units/.

[21] See, for example, Griselda Palleres, "Derecho a la ciudad: personas sin hogar en la ciudad de Buenos Aires", in *Dimensiones del Hábitat Popular Latinoamericano*, Teolinda Bolívar and Jaime Erazo, eds., Hacedores de ciudades, vol. 2 (Quito, Facultad Latinoamericana de Ciencias Sociales and Latin American Social Sciences Council, 2012), pp. 176-179; Comisión de Derechos Humanos del Distrito Federal, *Situación de los Derechos Humanos de las Poblaciones Callejeras en el Distrito Federal 2012-2013*, informe especial (Distrito Federal, México, Comisión de Derechos Humanos del Distrito Federal and others, 2014), chap. III; National Law Center on Homelessness and Poverty, *No Safe Place: The Criminalization of Homelessness in U.S. Cities* (Washington, D.C., 2014); and Guillem Fernàndez Evangelista and Samara Jones, eds., *Mean Streets: A Report on the Criminalisation of Homelessness in Europe* (Brussels, European Federation of National Organisations Working with the Homeless and Others, 2013).

areas in order to attract new businesses, tourists and investors or to host mega-events (see A/HRC/13/20). In these ways, many of those who have come to cities as a result of displacement or discrimination find themselves revictimized by further displacement and discrimination.

41. Although some of the structural causes of inequality in cities and some of the grounds and experiences of discrimination are new, an international human rights framework can be responsive. The Committee on Economic, Social and Cultural Rights has now recognized discrimination based on social or economic situation, including homelessness or other housing status, as a prohibited ground of discrimination.[22] The Human Rights Committee and other treaty bodies have begun to engage directly with these issues.[23] The guiding principles on extreme poverty and human rights specifically reference the need for States to repeal or reform laws that "criminalize life-sustaining activities in public places, such as sleeping, begging, eating or performing personal hygiene activities".[24]

42. A rights-based approach to contested public space does not resolve every dispute in favour of those who are required to use public space as their home for lack of any alternative. It does, however, reject the stigmatization and criminalization of homeless people frequently invoked to reserve public space for the more advantaged. Those who are forced to use public space as their homes must be treated with respect and dignity and afforded protection from arbitrary or unreasonable eviction. The solution to homelessness is not further displacement or discriminatory treatment, but rather ensuring access to viable, long-term housing as a matter of choice.

B. Migration and displacement

43. Urbanization is directly linked to migration and displacement, and housing for migrants and internally displaced persons is currently one of the most serious challenges for cities. There are over 1 billion persons considered migrants worldwide, of whom approximately one quarter have migrated to another country,[25] with the majority locating to cities. According to recent estimates, since 2008, about 26.4 million people have been displaced by disasters alone each year.[26]

44. Migrants and internally displaced persons are often treated as outsiders, left out of local decision-making processes and frequently subjected to discriminatory or xenophobic attitudes. Residency status and citizenship are often used as eligibility

[22] Committee on Economic, Social and Cultural Rights, general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights (E/C.12/GC/20), para. 35.

[23] See, for example, CERD/C/USA/CO/6, CCPR/C/BIH/CO/2 (in relation to Roma and housing) and E/C.12/KAZ/CO/1.

[24] The guiding principles (A/HRC/21/39) were adopted by the Human Rights Council in resolution 21/11 of 27 September 2012. Available from www.ohchr.org/Documents/Publications/OHCHR_ExtremePovertyandHumanRights_EN.pdf.

[25] Estimates point to around 232 million international migrants around the world (see *Trends in International Migrant Stock: The 2013 Revision* (United Nations database, POP/DB/MIG/Stock/Rev.2013), table 1. Available from http://esa.un.org/unmigration/TIMSA2013/Data/subsheets/UN_MigrantStock_2013T3.xls.

[26] Norwegian Refugee Council, International Displacement Monitoring Centre, *Global Estimates 2015: People Displaced by Disasters* (Geneva, 2015). Available from www.internal-displacement.org.

criteria for subsidized housing programmes, forcing many migrants to rely on unregulated private housing in overcrowded, inadequate and informal settings, often resulting in homelessness.

45. Many who are displaced or migrate to cities are dislocated from their cultural, economic and family lives. Those coming from rural areas find themselves landless and lacking any sense of identity in the urban context. Indigenous peoples who have been displaced from their ancestral lands and traditional practices are particularly vulnerable to homelessness, discrimination and social exclusion when they move to cities.

46. While the structural causes of migration and displacement must be addressed by all levels of government and by the international community, the need of new arrivals for housing and related services, as well as their related need to retain their cultural practices, identity and sense of community, must be met in cities. Local governments are increasingly responsible for addressing housing needs linked to migration and displacement to cities, yet they often lack the necessary resources and capacity to provide adequate housing and services. Moreover, local governments may themselves respond in a discriminatory and punitive fashion to migrants or the internally displaced. It has become alarmingly common for foreign migrants, especially those who are undocumented, to be deprived of social protection, including emergency shelters, in cities — sometimes at the insistence of national-level Governments that provide funding for housing and social protection programmes. Such discrimination and the resulting homelessness among migrants impose further costs on cities. Ensuring that migrants have a secure place to live, can access rental accommodation and can choose to live in the most appropriate and affordable neighbourhoods is essential to combatting their exclusion and imbuing in them a sense of belonging in the city.[27]

47. Xenophobia and discrimination against those who are considered "outsiders" has long been a central concern of human rights and it is important that these issues also be recognized and addressed as human rights issues in cities. Human rights norms and legal protections can play an important role in clarifying governments' obligations to develop programmes and responses to the distinctive needs of migrants as well as of vulnerable people affected by natural disasters and internal conflict (see, for example, A/65/261 and A/HRC/14/30).

48. At the national level, relevant jurisprudence has also emerged. In case T-025 in Colombia, for example, the Constitutional Court required the implementation of effective programmes to respond to the unconstitutional state of affairs confronting internally displaced persons, where 63.5 per cent of the displaced population had inadequate housing and 49 per cent lacked access to appropriate public utilities.[28] In *Bhim Prakash Oli et Al.* v. *Government of Nepal et al*, a case involving internally displaced persons, relying on international human rights law, the Supreme Court of Nepal held that the State was required to implement and monitor

[27] See A/HRC/29/50, case No. NLD 1/2014, and response from the Government of the Netherlands dated 4 February 2015, available from www.ohchr.org/EN/HRBodies/SP/Pages/CommunicationsreportsSP.aspx.

[28] Constitutional Court of Colombia, decision T-025/04. Available from http://www.corteconstitucional.gov.co/T-025-04/Autos.php.

non-discriminatory, holistic plans and programmes to integrate displaced populations into existing housing priorities.[29]

C. Persons and groups in vulnerable situations

49. In some situations, children and youth, including lesbian, gay, bisexual, transgender and intersex youth, and women can be vulnerable to violence, requiring access to safe housing and basic services if they are to thrive in the urban context. These groups are often forced into homelessness by sexual and other violence, socioeconomic deprivation, and religious and cultural intolerance within their homes or communities. A sound housing structure does not guarantee safety within housing for these vulnerable groups. When women, children and youth leave their homes, they require both short- and long-term support to secure adequate housing, as they often lack the means to secure housing themselves. In this regard, diverse, culturally appropriate options must be made available.

50. To attend to the needs of diverse groups and ensure accountability, it is important that housing safety issues be addressed within a human rights framework. At a minimum, according to international human rights obligations, cities must ensure that there are safe places for people to reside when their homes become dangerous.[30] Basic services like sanitation and water must be available in a manner that poses no risk to safety (see A/HRC/21/42, paras. 39 and 40) and housing design must be responsive to the needs of particular vulnerable groups, as articulated by those groups.

51. Urban environments have served as a barrier to the inclusion and participation of persons with disabilities. Persons with disabilities face widespread lack of accessibility to built environments, including housing, public buildings and spaces, and to basic urban services such as sanitation and water, health, education and transportation. Cultural attitudes including negative stereotyping and stigma also contribute to the exclusion and marginalization of persons with disabilities in urban environments. In its articles 8 and 9, the Convention on the Rights of Persons with Disabilities[31] emphasizes the importance of mainstreaming disability issues in all strategies of sustainable development and obliges States to ensure that housing is adequate, accessible and barrier free for person with disabilities.

52. Under international human rights law, policies and programmes must be designed in ways that take into account the experiences and realities of marginalized groups so that their disadvantage is addressed in real terms. This is because equality is understood "substantively" and not just "formally". Even where laws and policies appear to be "fair" by treating everyone the same, the experience or effect of laws and policies can be discriminatory owing, for example, to a person's socioeconomic status, housing status or gender. States and subnational governments are obliged to address the needs of those in the most desperate housing situations as a matter of

[29] See Maritza Formisano Prada, *Empowering the Poor through Human Rights Litigation* (Paris, United Nations Educational, Scientific and Cultural Organization, 2011), p. 75.

[30] See, for example, *A.T. v. Hungary*, Communication No. 2/2003 (CEDAW/C/32/D/2/2003), available from https://opcedaw.wordpress.com/communications/all-communications/. See also E/CN.4/2006/118.

[31] United Nations, *Treaty Series*, vol. 2515, No. 44910.

priority and urgency.[32] Positive measures must be taken to reduce stigmatization and address the needs of homeless women and men, residents of informal settlements, low-income households and other groups lacking access to adequate housing.

D. Land and inequality

53. While cities are, for some, places of opportunity and the engines of economic development, for many others they are sites of poverty, inequality and exclusion.[33] The drive for economic growth, to create "world-class cities" and to attract international and domestic investment, has too often occurred at the expense of social inclusion and protection.[34] Increased economic opportunities in cities should provide a lever for greater inclusion and socioeconomic equality, yet urban economies have generally tended to deepen inequality. This tension, between cities as economic drivers and cities as generators of inequality, plays out distinctly with respect to land.

54. Those who are affluent and own land, homes or other property in cities have dramatically increased their wealth because of speculation and inflation of values. Those who cannot afford ownership face increasing housing costs and are driven to the outskirts of cities or to informal settlements, dislocated from their sources of livelihood and lacking security of tenure. Inequality in access to land and property, affecting marginalized groups including women, migrants and all those living in poverty, has become embedded in housing inequality and spatial segregation, dividing cities between those who own land and property and have access to basic services and infrastructure and those who do not.

55. Other urban patterns linked to land and property have increased inequality and social exclusion; these include privatization of social housing, public land and infrastructure; predatory lending practices; increased use of urban land and housing as investment assets within a globalized financial market; heightened control of urban land by wealthy individuals and corporate interests; environmental degradation of land and water in areas occupied by marginalized groups; unregulated real estate markets; conversion of land used for housing to commercial uses; land grabbing; and the disproportionate influence of private interests in land use planning.

56. In response to these systemic patterns of inequality and social exclusion with respect to land, human rights movements have emerged in cities with proposals for a reorientation of land and property rights that prioritizes the social function of land[35] and its central role in the realization of the right to adequate housing. Ensuring more equitable access to land and property and the prevention of land grabbing is central to many struggles for housing rights in cities. The human rights agenda of Habitat III must be informed by these creative approaches to urban land and

[32] Committee on Economic, Social and Cultural Rights, general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all human rights (E/C.12/2005/4), para. 16.

[33] See for example United Nations Human Settlements Programme (UN-Habitat), *State of the World's Cities 2012/2013: Prosperity of Cities* (Nairobi, 2012).

[34] Ibid.

[35] This concept with deep historical roots suggests that land ownership and the benefits that derive from it are not without limitations, but rather must be used for the benefit of others. See a discussion of the social function of property in A/HRC/25/54, paras. 41-49.

property. Unless the primacy of human rights over market forces and private profit is entrenched, a new urban agenda that reduces inequalities and is based on inclusion and sustainability will be unachievable.

E. Informal settlements

57. In much of the world, urbanization has become synonymous with the emergence and expansion of informal settlements. Around one quarter of the world's urban population, or approximately 828 million people, live in informal settlements.[36] What this means in real terms, in human terms, is the denial of almost every human right and a constant assault on human dignity. Life in an informal settlement at its worst can entail lack of clean, running water, sanitation services and electricity, open defecation, overcrowding, houses overrun by rodents, lack of garbage disposal, living in structurally unstable homes easily destroyed by extreme weather, living in the most undesirable and sometimes dangerous areas and living under constant threat of forced eviction. And if the actual housing conditions are not bad enough, informal settlements often lack nearby services such as health-care facilities and schools, and often offer no employment opportunities or places for children to play. Young people are left to languish and informal settlements can easily become breeding grounds for conflict and violence.

58. Informal settlements, however, are not just the sum total of deprivations, but are also often the result of concerted decisions that have displaced people, denied them services and refused them recognition and security of tenure. This suggests that "upgrading slums" will not result in the systemic change necessary to slacken the pace of the development of informal settlements. The causes will have to be addressed alongside the symptoms, otherwise it will be a zero-sum game: for every slum that is upgraded, another will be created.

59. When visiting residents of informal settlements, one is invariably struck by the human capacity to create vibrant communities with dignity and beauty despite the gross lack of almost everything. This capacity can be better harnessed; residents of informal settlements usually can identify the structural causes of their conditions, and they know well their needs and the barriers to meeting their needs. Frequently, they have a vision for their future and the future of their communities and can develop effective and targeted solutions. Engaging residents to participate in realizing their right to adequate housing is consistent with a human rights framework. For this to happen, local and national governments must be willing to recognize these communities as legitimate participants in urban democracy and as drivers of their own well-being.

IV. A new rights-based framework for urban law, policy and governance

60. The fact that approximately one in four urban residents lives in informal settlements or is homeless, and that many more are living in inadequate housing, is evidence of a critical systemic failure of the international community, national and

[36] UN-Habitat, *State of the World's Cities 2010/2011: Bridging the Urban Divide* (Nairobi, 2010), p. 33.

local governments and other actors to coordinate and design relevant legislation, programmes and policies in a manner that is consistent with the right to adequate housing. Implementing an urban rights agenda where the right to housing is enjoyed by all, including the most vulnerable and marginalized populations, will require significant reassessment and redesign of urban law and policy.

61. Access to adequate housing in the urban context is linked to a wide array of laws and programmes that go beyond traditional notions of housing policy. As the Committee on Economic, Social and Cultural Rights has noted, it requires "coordination between ministries and regional and local authorities in order to reconcile related policies (economics, agriculture, environment, energy, etc.)."[37] Trade and investment agreements, constitutional provisions, conditions attached to funding agreements, land use restrictions and municipal by-laws, for example, all may affect the capacity of cities to ensure access to housing.

62. Programmatic measures to enhance access to affordable housing are also wide-ranging and interrelated, and may include a variety of approaches, including direct grants and subsidies for housing to poor households, rent regulation, mixed housing tenures, quotas for real estate developers to include housing for low- and middle-income households, housing loans with lower interest rates or softer conditions, neighbourhood upgrading and revitalization projects and community support for people with mental health disabilities.[38] Housing programmes along with other related programmes, laws and agreements interact to form a holistic, multilayered framework.

63. A central question at Habitat III will be how to bring coherence and strategic transformation to interactive systems of law and policy so that the new urban agenda genuinely promotes sustainable urban development and access to adequate housing for all. A human rights approach focused on the right to adequate housing is critical to meeting this challenge, because it provides an overarching framework and vision that binds an array of laws and policies within a common purpose and shared set of values.

64. Inadequate housing, homelessness and the informal settlements in cities must be addressed not only as a failure of housing and upgrading programmes but primarily as a failure of existing laws to ensure human rights. Residents of informal settlements lack both housing structures and basic legal protections, such as security of tenure, health and safety protections and entitlements to services. They are deprived not only of housing but of the protections afforded by the rule of law, which in turn makes them vulnerable to further deprivations.

65. Obligations of States to maintain the rule of law are too often considered primarily in relation to legal protections of existing title to property or contractual economic relationships. Under the rule of law, however, fundamental human rights

[37] Committee on Economic, Social and Cultural Rights, general comment no. 4 (1991) on the right to adequate housing, para. 12.

[38] Examples of such policies can be found in the responses received from Albania, Cyprus, Colombia, Germany, Singapore and Trinidad and Tobago to the questionnaire posted by the Special Rapporteur for the preparation of the present report. See also the responses from national human rights institutions in Paraguay (Defensoría del Pueblo) and Portugal (Provedor de Justiça). All responses are available from www.ohchr.org/EN/Issues/Housing/Pages/HabitatIIIandtheNewUrbanAgenda.aspx. The Special Rapporteur is grateful for all the contributions to this report.

must be guaranteed, including the right to adequate housing. An urban rights agenda will require a more inclusive approach to the rule of law in cities than has been applied in the past, focused on the need to effectively address the circumstances of those who have had no access to legal title to land, housing or property. The right to housing must be fully incorporated within urban law as a right not only to physical and environmental aspects of housing but also to the equal protection of the law, with full protection of security of tenure, health and safety and entitlement to basic services, livelihood and cultural life. Laws and policies must be subject to ongoing review so as to adjust to emerging patterns of exclusion or to address previously unrecognized circumstances.

66. Human rights must be accorded a status of paramountcy within urban law so as to guide the design, interpretation and application of all other laws, policies and programmes. Paramountcy of human rights means that decision makers are legally required to consider and apply the right to housing in their areas of responsibility. Planners must recognize in situ rights of those living in informal settlements. A tribunal or court reviewing intended evictions needs to consider all possible alternatives and, if evictions are unavoidable, ensure that those being displaced have been fully consulted and engaged and provided with adequate and appropriate alternative housing. Zoning laws, property rights or urban development plans must be developed in consultation with and with the participation of those who will be directly affected and assessed in terms of their effect on marginalized or vulnerable groups. Any officials engaged in administering laws or policies linked to the right to housing should be provided with training in the meaning and application of the right to housing in their areas of responsibility.

67. Incorporating the right to adequate housing and related rights as vital components of urban law also requires institutional support. City governments, city-based human rights committees, ombudspersons, human rights charters and legislative housing strategies with monitoring and accountability mechanisms can play an important role in promoting rights-conscious decision-making, ensuring access to justice and ensuring that human rights are not ignored in decision-making.

68. Urban finance is a critical area of law and policy that has too often been neglected in human rights review and accountability. Rights can quickly become illusory if fiscal policy is not aligned with them. Rights-based urban governance and finance require a reorientation of democratic accountability to include fiscal policy. The focus needs to shift from the interests of those who traditionally determine economic priorities — investors, developers and businesses — toward the interests of those in need of adequate housing and basic services.

69. National Governments must ensure that when city governments are allocated the responsibility for housing and related programmes, they have access to the resources necessary to fulfil their human rights obligations. Maladministration and corruption within program planning, implementation and regulation should also be seen and addressed as a human rights issue, as a violation of governments' obligations to apply the maximum of available resources to the realization of the right to adequate housing.

70. The Special Rapporteur believes that it is also important to consider various redistributive and cost-recovery mechanisms in cities from a human rights standpoint. Expenditure on public space, infrastructure, recreational facilities and

cultural and artistic activities[39] too often benefits more advantaged households to the detriment of the needs of the vast majorities. Pricing of rental housing, water, sanitation and electricity should ensure affordability for low-income households rather than direct cost recovery. Private providers of housing and infrastructure must be regulated in a manner that accords with the fact that, while housing and infrastructure are often treated as commodities, they are fundamental human rights, requiring significant adjustments to prevailing business models. Adjusted pricing of services for low-income households, for example, has been proven to be an efficient business model which at the same time facilitates access to housing, water, sanitation and electricity that might otherwise be denied.[40] Human rights-based tax audits have also been effective in ensuring that revenue collection at the city level is aligned with obligations to apply the maximum of available resources to realize the right to housing.[41]

71. In all of these areas, recognizing the paramountcy of the right to adequate housing brings coherence to wide-ranging urban law and policy and provides a common framework of values to guide decision makers at all levels of government, and in a myriad of different areas and programmes, toward a common purpose and a new urban rights agenda.

V. Conclusions and recommendations

72. **On its current path, urbanization is simply unsustainable. The majority of people in cities worldwide suffer gross inequality, many living in deplorable or unaffordable housing conditions, vulnerable to forced evictions and homelessness and constantly fearing for their safety and security. Millions continue to move to cities in search of opportunities, services and a better life. At the same time, a select few continue to accrue astonishing levels of wealth and power, including from land and housing speculation. Change is required. Habitat III represents an essential opportunity to forge a new way forward, one with the right to adequate housing at its core.**

73. **Human rights can be transformational. The present report has outlined their tremendous capacity in the urban context. With the right to adequate housing as a pillar, a human rights framework can provide the coherence and consistency sorely needed to achieve sustainable, inclusive cities for all. Housing is a major component of any city and central in the lives of those who are marginalized or face situations of vulnerability, and States and local governments have core obligations to uphold the right to adequate housing. Housing cannot be sidelined.**

74. **Embracing the right to adequate housing as a framework for a new urban agenda will require innovative and creative ideas and approaches. It challenges**

[39] For a discussion on artistic freedom and public space, see A/HRC/23/24, paras. 65-68.

[40] Roger D. Colton, "Prepayment utility meters, affordable home energy, and the low income utility consumer", in *Journal of Affordable Housing and Community Development Law*, vol. 10, No. 3 (Spring 2001).

[41] See Center for Economic and Social Rights, "Advancing tax justice through human rights". Available from www.cesr.org/article.php?id=1694 (accessed 26 August 2015). See also the forthcoming publication, *Advancing Tax Justice through Human Rights: Opportunities and Strategies*.

how we govern, what issues and interests are prioritized, the allocation of resources and the nature of the laws, policies and programmes developed. It establishes who is accountable to whom, facilitates the participation of those who are marginalized in decisions that fundamentally affect their lives, and lays out the steps required for implementation. This is the road less travelled, but an urban rights agenda is the way forward.

75. **In this context, the Special Rapporteur recommends that a new urban agenda be based in human rights, with the right to adequate housing as a pillar. An urban rights agenda with consistent reference to human rights law, standards and obligations will provide coherence and a common purpose to the array of issues to be addressed at Habitat III.**

76. **The Special Rapporteur recommends that the urban rights agenda should:**

(a) **Elaborate, concretize and give meaning to target 11.1 of the proposed sustainable development goals regarding access to adequate housing for all, while also safeguarding its vital link to binding international human rights obligations;**

(b) **Clearly articulate the respective and shared responsibilities of national and local governments to ensure the realization of the right to adequate housing in accordance with international human rights law;**

(c) **Clarify the responsibilities of States in relation to international cooperation and assistance and extraterritorial activities affecting the right to adequate housing in cities. In this regard, the responsibilities of international financial institutions, development agencies and international organizations should also be clarified;**

(d) **Commit to enhanced regulation of private actors and markets consistent with the recognition of housing as a human right. In particular, measures should be adopted to prevent forced eviction, land grabbing, speculation and leaving homes or lands (that could otherwise be used) abandoned. Housing markets and financial institutions should be regulated to prevent unnecessary volatility, predatory lending and mortgage crises, such as those experienced in recent years;**

(e) **Reflect the experiences of city residents and establish a process of ongoing participation and engagement, particularly with those who currently lack access to adequate housing. Access to justice should be ensured for all aspects of the right to adequate housing. Human rights institutions, ombudspersons and other human rights bodies should be actively engaged in promoting and protecting the right to housing at the city level;**

(f) **Focus on eliminating social exclusion, inequality and discrimination as human rights violations and prevent the criminalization and stigmatization of people on the basis of their housing status. Particular housing experiences and needs of all migrants, displaced persons, persons with disabilities and women, children and youth in situations of vulnerability should be addressed;**

(g) **Ensure incorporation of the right to adequate housing and other human rights as paramount elements of all urban law, policy and programmes, including fiscal policy, resource allocation and land management;**

(h) **Firmly commit to the elimination of homelessness and forced evictions, as two of the most serious systemic violations of the right to adequate housing in cities;**

(i) **Commit to security of tenure for all households, including all residents of informal settlements. The guiding principles on security of tenure for the urban poor (A/HRC/25/54, sect. II) should be directly incorporated, particularly with respect to strengthening diverse tenure forms, prioritizing in situ solutions, promoting the social function of property, promoting women's security of tenure and ensuring access to justice;**

(j) **The implementation of an urban rights agenda must include the following baseline human rights requirements:**

(i) **A commitment to realize the right to adequate housing with clear goals and timelines for:**

a. **Reducing and ultimately eliminating homelessness;**

b. **Ensuring security of tenure and prevention of all forced evictions;**

c. **Providing the full protection of law for residents of informal settlements;**

d. **Ensuring access to adequate housing for all, including for residents of informal settlements;**

(ii) **The development of housing strategies by all levels of government in consultation with and with the full participation of stakeholders aligned with the urban rights agenda and international human rights law, and supported by human rights institutions;**

(iii) **A clear articulation of the responsibilities of the range of actors required to implement an urban rights agenda, including all levels of government, cross-sectoral departments, civil society, human rights institutions and relevant national and international private actors;**

(iv) **The use of human rights-based indicators to monitor the implementation of the urban rights agenda, measuring both the process of implementation and progressive outcomes. Indicators should focus not only on housing quality but also on access to justice for all aspects of the right to adequate housing, including security of tenure, non-discrimination and positive obligations of governments towards marginalized groups.**